

THE LAW OFFICE OF

ELISA HYMAN, P.C.

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DATE FILED: 2-11-20

February 9, 2020

**BY ECF**

Hon. John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

1. Time to file Amended Complaint: 4/27/20
  2. Time to respond to the Amended Complaint: 5/18/20.
  3. Conference adjourned to 5/26/20 at 4:30 P.M.
- So ordered.

Re: E.F. et al. v. New York City Department of Education, et al.,  
1:19-cv-10251 (JGK)

Dear Judge Koeltl:

2/10/20  
per 6/6/20  
U.S.D.S.

I represent the Plaintiff, E.F., in the above-referenced action. I am writing on behalf of both parties in relation to the initial conference that is scheduled for February 11, 2020. This is the parties' first request to adjourn the initial conference following the Defendants' Answer, which was filed on February 4, 2020. See dkt. no. 12.

Plaintiff E.F. is the parent of T.F., a former student of the New York City schools, who has a number of disabilities. Plaintiffs' complaint against the New York City Department of Education ("DOE"), Chancellor Richard Carranza and the New York City Board of Education ("BOE") (collectively "Defendants" or "DOE") raises claims under the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, *et seq.*, the Due Process Clause of the 14th Amendment of the U.S. Constitution, 42 U.S.C. § 1983, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, the New York State Constitution, and New York State Education Law.

Among other things, Plaintiffs allege that Defendants failed to implement an impartial hearing order issued on Plaintiffs' behalf that required Defendant DOE to provide various types of special education services and that Plaintiffs are entitled to reasonable attorney's fees for the administrative hearing and this action. Defendants deny all allegations.

The parties are interested in exploring settlement. Toward that end, Defendants have requested a global settlement demand, including copies of Plaintiffs' counsel's timesheets. The parties regularly litigate cases together concerning special education and the overwhelming majority of matters settle. Thus, we are reasonably optimistic that if we engage in settlement negotiations, we will be able to resolve all (or at least some of the issues).

If the matter does not settle, Plaintiffs may seek to amend their complaint. Defendants consent to extend Plaintiffs' time to file an Amended Complaint from February 25, 2020 to April 27, 2020.

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In light of the above, the parties are jointly requesting an adjournment of the initial conference for at least 70 days, with the provision that the parties will submit a settlement status letter to the Court by March 23, 2020.

If the request for an adjournment is denied, the Parties will submit their Rule 26(f) report on Monday, February 10, 2020.

Thank you for Your Honor's consideration of these requests.

Sincerely,

*/s/ Elisa Hyman*

Elisa Hyman  
Counsel for the Plaintiffs

cc: Lana Koroleva, Esq. Assistant Corporation Counsel